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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/752,654	12/27/2000	Justin Chickles	5150-43100	1473
35690	7590	01/27/2005		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER VU, KIEU D	
			ART UNIT 2173	PAPER NUMBER

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/752,654	CHICKLES ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Kieu D Vu	2173	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 73-76, 78-120, 122-144, and 146-158 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 73-76, 78-120, 122-144 and 146-158 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Claims 73-76, 78-120, 122-144, and 146-158 are pending.

***Claim Rejections - 35 USC § 103***

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 73-76, 78-80, 82-84, 86-87, 95-101, 103, 104-107, 109, 111-113, 117-120, 122, 124, 128-134, 135-140, 143-144, 146, 149, 151, 153-158 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art and Filepp (USP 5,578,072).

Regarding claim 73, Applicant's admitted prior art teaches the displaying of a first palette window (100A) from a hierarchy of palette windows wherein one or more of the palette windows comprises palette items (106, 110A, 108A) that are selectable by a user, wherein each of the palette items is selectable by the user to include functionality in a program being created or modified (page 1, lines 26-28), wherein one or more of the palette windows comprise a palette window selection item, wherein the palette window selection item is selectable by the user to display a second palette window from the hierarchy of palette windows (page 1, lines 28-35). The first palette window includes navigation items (108A) for navigating among the hierarchy of palette windows.

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Applicant's admitted prior art also teaches the receiving of user input selecting a navigation item (selecting icon 108A) and the displaying of a child palette window (100B) in response to said user input selection (see figure 4B). Applicant's admitted prior art differs from the claim in that Applicant's admitted prior art fails to teach that a first palette window is closed subsequent to said receiving the user input selecting navigation item. However, such feature is old and well known in the art. For example, Filepp teaches the navigation buttons Next 291 which, upon selected, will close the current page and display the next page (Fig. 3b). It would have been obvious to one skilled in the art at the time the invention was made to apply Filepp teaching of a next button for closing a current page and display the next page in Applicant's admitted prior art system with the motivation being to easily navigate through the series of windows.

Regarding claims 117 and 143, Applicant's admitted prior art teaches the displaying of a first palette window (100A) from a hierarchy of palette windows wherein one or more of the palette windows comprises palette items (106, 110A, 108A) that are selectable by a user, wherein each of the palette items is selectable by the user to include functionality in a program being created or modified (page 1, lines 26-28). The first palette window includes navigation items (108A) for navigating among the hierarchy of palette windows. Applicant's admitted prior art also teaches the receiving of user input selecting a navigation item (selecting icon 108A) and the displaying of a child palette window (100B) in response to said user input selection (see figure 4B). Applicant's admitted prior art differs from the claim in that Applicant's admitted prior art fails to teach that a first palette window is closed subsequent to said receiving the user

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input selecting navigation item. However, such feature is old and well known in the art. For example, Filepp teaches the navigation buttons Next 291 which, upon selected, will close the current page and display the next page (Fig. 3b). It would have been obvious to one skilled in the art at the time the invention was made to apply Filepp teaching of a next button for closing a current page and display the next page in Applicant's admitted prior art system with the motivation being to easily navigate through the series of windows.

Regarding claims 74 and 118, Applicant's admitted prior art also teaches icons (110A, 108, 112A, 112B, etc.) that are selectable to include functionality associated with the palette item in the program being created or modified (page 1, lines 26-28).

Regarding claims 75, 119 Applicant' admitted prior art also teaches that user interface element such as control and indicators (ActiveX controls, buttons, switches, graphs, gauges, etc.) (functionality) may be added to the program using palette windows 100 (See page 2, lines 14-19), the being created or modified (page 1, lines 26-28).

Regarding claims 76, 120 and 144, Applicant' admitted prior art also teaches that palette items include icons that are selectable by the user to include nodes in the graphical program (See figure 4B, icons in Graph menu) being created or modified (page 1, lines 26-28).

Regarding claims 86 and 124, Applicant' admitted prior art also teaches each of the palette window selection items is operable when selected to display different child palette window (Fig. 4A-4C).

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Regarding claim 87, the admitted prior art teaches displaying a first parent palette window (100A), selecting a first palette window (100B), and displaying a first palette window (100B). The admitted prior art further teaches the first parent window comprises a palette window selection item which corresponds to the first palette window (page 1, lines 28-32)

Regarding claims 95, 128, and 149, Applicant's admitted prior art teaches the displaying of a first palette window (100A) from a hierarchy of palette windows wherein one or more of the palette windows comprises palette items (106, 110A, 108A) that are selectable by a user to include functionality in a program being created or modified (page 1, lines 26-28). The first palette window includes navigation items (108A) for navigating among the hierarchy of palette windows. Applicant's admitted prior art also teaches the receiving of user input selecting a navigation item (selecting icon 108A) of the one or more navigation items displayed on the currently displayed palette window (page 1, lines 28-32) and the displaying of a child palette window (100B) in response to said user input selection (see figure 4B). Applicant's admitted prior art differs from the claim in that Applicant's admitted prior art fails to teach that a first palette window is closed subsequent to said receiving the user input selecting navigation item. However, such feature is old and well known in the art. For example, Filepp teaches the navigation buttons Next 291 which, upon selected, will close the current page and display the next page (Fig. 3b). It would have been obvious to one skilled in the art at the time the invention was made to apply Filepp teaching of a next button for closing a

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current page and display the next page in Applicant's admitted prior art system with the motivation being to easily navigate through the series of windows.

Regarding claims 78, 98, 131, and 149, Applicant' admitted prior art also teaches when window 100B is closed, window 100A would be opened as part of the hierarchy window system.

Regarding claims 96, 119, and 129, Applicant' admitted prior art also teaches that user interface element such as control and indicators (ActiveX controls, buttons, switches, graphs, gauges, etc.) (functionality) may be added to the program being created or modified (page 1, lines 26-28) using palette windows 100 (See page 2, lines 14-19).

Regarding claims 97, 120, and 130, Applicant' admitted prior art also teaches that palette items include icons that are selectable by the user to include nodes in the graphical program (See figure 4B, icons in Graph menu) being created or modified (page 1, lines 26-28).

Regarding claims 99, 100, 101, 132-134, 139 and 140, Applicant's admitted prior art fails to teach that navigation item includes forward item or backward item. However, Filepp teaches "next" icon (forward item), "back" icon (back item) to enable users to easily navigate through the series of windows (See Fig. 3). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Filepp's teaching of "next" icon (forward item), "back" icon (back item) in the display system of

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Applicant's admitted prior art with the motivation being to enable users to easily navigate through the series of windows.

Regarding claims 103 and 135, Applicant's admitted prior art teaches each of the palette window selection items is operable when selected to display different child palette window (Fig. 4A-4C)

Regarding claims 104, 109, 136 and 151, 153, Applicant's admitted prior art teaches the displaying of a first palette window (100A) from a hierarchy of palette windows wherein one or more of the palette windows comprises palette items (106, 110A, 108A) that are selectable by a user to include functionality in a program being created or modified (page 1, lines 26-28). The first palette window includes navigation items (108A) for navigating among the hierarchy of palette windows. Applicant's admitted prior art also teaches the receiving of user input selecting a navigation item (selecting icon 108A) and the displaying of a child palette window (100B) in response to said user input selection (see figure 4B), the child palette window comprises at least one palette item (page 1, lines 28-32). Applicant's admitted prior art differs from the claim in that Applicant's admitted prior art fails to teach the closing of the first palette window and the displaying of the child palette window (second palette window) in response to a user input selection. However, Filepp, in the same art of graphical user interface system, clearly teaches at col. 49, lines 39-41 that a user selection of a close command can trigger the system to perform both tasks of closing a current window and open another window. This mechanism saves a separate step of opening a window, and enables efficient conditional execution. One skilled in the art would have recognized

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such efficiency advantage provided by Filepp's teaching. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Filepp's teaching of closing a window and opening a window in response to a user selection in display system of Applicant's admitted prior art with the motivation being to enhance program execution efficiency.

Regarding claims 105, 137, and 154-155, Applicant' admitted prior art also teaches that user interface element such as control and indicators (ActiveX controls, buttons, switches, graphs, gauges, etc.) (functionality) may be added to the program being created or modified (page 1, lines 26-28) using palette windows 100 (See page 2, lines 14-19).

Regarding claims 106, 138, and 156-157, Applicant' admitted prior art also teaches that palette items include icons that are selectable by the user to include nodes in the graphical program (See figure 4B, icons in Graph menu) being created or modified (page 1, lines 26-28).

Regarding claims 107 and 158, Applicant' admitted prior art also teaches when window 100B is closed, window 100A would be opened as part of the hierarchy window system.

Regarding claims 111-113, Applicant' admitted prior art also teaches each of the palette window selection items is operable when selected to display different child palette window (Fig. 4A-4C), each of the palette windows in the hierarchy of palette windows comprises one or more navigation items (page 1, lines 26-32).

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Regarding claims 79, 80, 82-84, 122 and 146, Applicant's admitted prior art fails to teach that navigation item includes forward item or backward item. However, Filepp teaches "next" icon (forward item), "back" icon (back item) to enable users to easily navigate through the series of windows (Fig. 3). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Filepp's teaching of "next" icon (forward item), "back" icon (back item) in the display system of Applicant's admitted prior art with the motivation being to enable users to easily navigate through the series of windows.

4. Claims 81, 85, 88-94, 102, 108, 110, 114-116, 123, 125-127, 141-142, 147-148, 150, and 152 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's admitted prior art, Filepp, and Gavron.

Regarding claims 88, 125-127 and 148, the admitted prior art fails to teach the search feature including a search window. However, such feature is old and well known in the art as evidenced by the popular window help program which provides the search feature including a search window. Gavron teaches such feature in the book entitled "How to use Microsoft Windows NT 4 workstation" (See page 7). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Gavron's teaching of providing the search feature including a search window in Applicant's admitted prior art in view of Gavron display system with the motivation being to provide convenient searching feature.

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Regarding claim 89, Gavron teaches the identification and displaying of possible palette windows in accordance with the search criteria user input (folders). Note that each index entry is linked to a palette window displaying the details of that entry.

Regarding claims 90-94, Gavron teaches search text string is used as input in performing the search (string "folders in figure in page 7).

Regarding claims 81, 85, 123, 147, the admitted prior art fails to teach an "up" icon for the purpose of enabling user to easily navigate through a hierarchy of windows. However, such feature is old and well known in the art. For example, Gavron teaches, in the book entitled "How to use Microsoft Windows NT 4 workstation", the "up" icon (see the up-one-level icon in the middle of page 41). These icons undoubtedly enable the users to easily navigate through a hierarchy of windows. Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Gavron's teaching of providing "back" icon, "forward" icon and "up" icon in the display system of Applicant's admitted prior art with the motivation being to enable user to easily navigate through a hierarchy of windows.

Regarding claims 102, 141 and 150, the admitted prior art and Filepp fails to teach the "up" icon for the purpose of enabling user to easily navigate through a hierarchy of windows. However, such features are old and well known in the art. For example, Gavron teaches, in the book entitled "How to use Microsoft Windows NT 4 workstation", the "up" icon (see the up-one-level icon in the middle of page 41). These icons undoubtedly enable the users to easily navigate through a hierarchy of windows. Thus, it would have been obvious to one skilled in the art at the time the invention was

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made to apply Gavron's teaching of providing "back" icon, "forward" icon and "up" icon in the display system of Applicant's admitted prior art in view of Filepp with the motivation being to enable user to easily navigate through a hierarchy of windows.

Regarding claims 108, 110, 114-116, 142 and 152, the admitted prior art and Filepp fails to teach the search feature including a search window. However, such feature is old and well known in the art as evidenced by the popular window help program which provides the search feature including a search window. Gavron teaches such feature in the book entitled "How to use Microsoft Windows NT 4 workstation" (See page 7). Thus, it would have been obvious to one skilled in the art at the time the invention was made to apply Gavron's teaching of providing the search feature including a search window in Applicant's admitted prior art and Filepp's display system with the motivation being to provide convenient searching feature.

5. Response to Applicant's arguments filed 09/27/04.

In response to Applicant's against Filepp teaching, it is noted that such argument attack reference individually since Filepp is combined with the admitted prior art which is in graphical programming environment.

In response to applicant's argument that Applicant's admitted prior art and Filepp is nonanalogous art, it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443

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(Fed. Cir. 1992). In this case, Applicant's admitted prior art and Filepp are analogous since both teaching are in the same filed of graphical user interface.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, it would have been obvious to one skilled in the art at the time the invention was made to apply Filepp teaching of a next button for closing a current page and display the next page in Applicant's admitted prior art system with the motivation being to easily navigate through the series of windows.

In response to Applicant's argument about "palette window selection item 108A", it is noted that item 108 A is a navigation items since it facilitates navigating.

In response to Applicant's arguments regarding claims 104, 136, 151, it is noted that applicant is arguing the limitation cited in the specification (arguments, pages 31-34). In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that various features upon which applicant relies are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's argument that there is no suggestion to combine the references of Applicant's admitted prior art, Filepp, and Gavron, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). Since the references are in the same field of graphical user interface, it would have been obvious to one skilled in the art at the time the invention was made to apply Gavron's teaching of providing the search feature including a search window in Applicant's admitted prior art in view of Gavron display system with the motivation being to provide convenient searching feature.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kieu D. Vu.

The examiner can normally be reached on Mon - Thu from 7:00AM to 3:00PM at 571-272-4057.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca, can be reached at 571-272-4048.

The fax phone numbers for the organization where this application or proceeding is assigned are as follows:

703-872-9306

and / or:

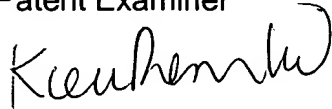
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571-273-4057 (use this FAX #, only after approval by Examiner, for "INFORMAL" or "DRAFT" communication. Examiners may request that a formal paper / amendment be faxed directly to them on occasions).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703-305-3900).

Kieu D. Vu

Patent Examiner

A handwritten signature in black ink, appearing to read 'Kieu D. Vu', written over the printed name.